

Certificate of Notice Page 1 of 4
United States Bankruptcy Court
Eastern District of Pennsylvania

In re:
Shirley Lieginger
Debtor

Case No. 19-13435-mdc
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0313-2

User: Randi
Form ID: pdf900

Page 1 of 1
Total Noticed: 1

Date Rcvd: May 20, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 22, 2020.

db Shirley Lieginger, 1014 Snyder Avenue, Philadelphia, PA 19148-2314

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 22, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 20, 2020 at the address(es) listed below:

KEVIN G. MCDONALD on behalf of Creditor Select Portfolio Servicing, Inc.
bkgroup@kmlawgroup.com

KEVIN S. FRANKEL on behalf of Creditor Nationstar Mortgage LLC D/B/A Mr. Cooper pa-bk@logs.com

MARK W. ADAMS on behalf of Debtor Shirley Lieginger mark-law@comcast.net,
mark-law2@comcast.net

REBECCA ANN SOLARZ on behalf of Creditor Select Portfolio Servicing, Inc.
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United States Trustee USTPRegion03.PH.ECF@usdoj.gov

WILLIAM C. MILLER, Esq. ecfemails@ph13trustee.com, philaecf@gmail.com

TOTAL: 6

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

In re: : Chapter 13
Shirley Lieginger, :
Debtor. : Bankruptcy No. 19-13435-MDC

ORDER

AND NOW, pursuant to the Application for Compensation and Reimbursement of Expenses (the “Application”)¹ filed by Mark W. Adams (the “Applicant”), counsel to Shirley Lieginger (the “Debtor”), the Applicant requests the allowance of compensation in the amount of \$1,650.00.

AND, the Applicant was previously paid \$400.00 by the Debtor (the “Pre-Paid Amount”).

AND, after accounting for the Pre-Paid Amount the Application seeks the payment of \$1,250.00 for the balance of fees and expenses sought (the “Remaining Balance”).

AND, this Court entered an Order dated January 30, 2020 (the “Confirmation Order”)² confirming the Debtor’s Third Amended Chapter 13 Plan dated December 31, 2019 (the “Plan”).³

AND, the Plan provides that the Applicant will be paid \$1,100.00 as an administrative expense, which when added to the Pre-Paid Amount will result in a total payment to the Applicant in the amount of \$1,500.00. Plan, §2(e).

AND, the Applicant filed a certification that proper service has been made on all interested parties.

AND, the Applicant filed a certification of no response.

AND, the Court of Appeals has held that the bankruptcy court “has a duty to review fee applications, notwithstanding the absence of objections by the United States Trustee . . . , creditors, or any other interested party, a duty which . . . derives from the court’s inherent obligation to monitor the

¹ Bankr. Docket No. 54.

² Bankr. Docket No. 43.

³ Bankr. Docket No. 36.

debtor's estate and to serve the public interest." *In re Busy Beaver Bldg. Centers, Inc.*, 19 F.3d 833, 841 (3d Cir. 1994) (emphasis in original).

AND, a confirmation order precludes the relitigation of any issues that were determined by the confirmation order. *In re Szostek*, 886 F.2d 1405, 1408-09 (3d Cir. 1989); *In re McDuffie*, Bky. No. 03-65333, 2005 WL 3108234, *1 (Bankr. D. Md. Feb. 22, 2005) ("since no amendment to the plan was filed to increase the specific amount to be paid to counsel, the court cannot order payment through the plan as an administrative expense."); *In re Lasica*, 294 B.R. 718, 722 (Bankr. N.D. Ill. 2003) (denying fee request because applicant was bound by terms of previously confirmed Chapter 13 plan); *In re Young*, 285 B.R. 168, 174-75 (Bankr. D. Md. 2002) ("the confirmation of the plan, in which a specific amount of disbursement to counsel for the debtor as attorney's fees was required, acted as a final adjudication of the matters set forth in the plan.").

It is hereby **ORDERED** that:

1. The Application is **GRANTED IN PART** and **DENIED IN PART**.
2. Consistent with the Confirmation Order, compensation is allowed in favor of the Applicant in the total amount of \$1,500.00 (the "Allowed Compensation"). *See* L.B.R. 2016-1(f) (governing procedure for disposition of fee applications without a hearing). The balance of the expenses sought, in the amount of \$150.00, are disallowed as inconsistent with the terms of the Plan.
3. The Trustee is authorized to distribute to the Applicant the Allowed Compensation and Expenses less the Pre-Paid Amount as an administrative expense pursuant to 11 U.S.C. §§330, 331, 503(b).

Dated: May 20, 2020



MAGDELINE D. COLEMAN
CHIEF U.S. BANKRUPTCY JUDGE

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